

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALFRED DEL RIO A/K/A ALFREDO DEL	:	
RIO and OLIVIA DEL RIO,	:	Docket No.: 1:19-cv-10312
Plaintiffs,	:	
v.	:	
	:	
McCABE, WEISBERG & CONWAY, LLC;	:	
NEWREZ LLC D/B/A SHELLPOINT	:	
MORTGAGE SERVICING; and THE BANK	:	
OF NEW YORK MELLON F/K/A THE BANK	:	
OF NEW YORK, AS TRUSTEE FOR THE	:	
CERTIFICATE HOLDERS OF CWALT INC.,	:	
ALTERNATIVE LOAN TRUST 2007-11T1,	:	
MORTGAGE PASS-THROUGH	:	
CERTIFICATES, SERIES 2007-11T1	:	
Defendants.	:	

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**DECLARATION OF CANDIDUS K. DOUGHERTY IN SUPPORT OF THE  
MOTION TO DISMISS THE COMPLAINT AND/OR STRIKE THE CLASS  
CLAIMS BY McCABE, WEISBERG & CONWAY, LLC**

I, Candidus K. Dougherty, an attorney admitted *pro hac vice* in the Southern District of New York, hereby declares, under penalty of perjury pursuant to 28 U.S.C. section 1746 as follows:

1. I am a member of the law firm Swartz Campbell, LLC, attorneys for defendant McCabe, Weisberg & Conway, LLC, in the above-captioned matter.
2. I submit this declaration in support of the motion to dismiss the complaint and/or strike the class claims by McCabe, Weisberg & Conway, LLC. In particular, I make this declaration to present to the Court certain documents of which the Court may take judicial notice pursuant to Fed. R. Evid. 201.

3. A true and correct copy of the voluntary petition for relief under chapter 7 of the United States Bankruptcy Code filed by Alfred Del Rio in the United States Bankruptcy Court, Southern District of New York, on March 7, 2011, under Case No. 11-bk-10979, is annexed hereto as **EXHIBIT “A.”**

4. A true and correct copy of the Order of Final Degree, issued by the Honorable Robert. E. Gerber, Bankruptcy Judge, United States Bankruptcy Court, Southern District of New York, on June, 14, 2011, under Case No. 11-bk-1097, is annexed hereto as **“EXHIBIT B.”**

5. A true and correct copy of the Verified Answer with Counterclaims in The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2007-11T1, Mortgage Pass-Through Certificates, § Series 2007-11T1 v. Alfred Del Rio A/K/A Alfredo Del Rio, et al., Index No. 36469/2019E, is annexed hereto as **EXHIBIT “C.”**

I, CANDIDUS K. DOUGHERTY, hereby declare under penalty of perjury that the foregoing is true and correct based on my best information, knowledge and belief.

Dated: January 8, 2020

Philadelphia, Pennsylvania

/s/ Candidus K. Dougherty

Candidus K. Dougherty